

REMARKS

Applicants appreciate the Examiner's thorough review of the present application that is evidenced in the Office Actions of April 7, 2005, September 22, 2005, February 9, 2006 and June 5, 2006. As discussed below, Applicants are submitting herewith a Statement of Accuracy of a Translation which establishes Applicants' right to rely under 35 U.S.C. § 119 on the October 29, 2002 priority date of Korean Application No. 2002-66086, which thereby removes one of the cited references as prior art to the present application. As all of the pending rejections rely on this non-prior art reference, Applicants respectfully request withdrawal of the pending rejections.

I. The Rejections Under 35 U.S.C. § 103

Pending Claims 1-12, 38-40 and 45-46 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application No. 6,635,921 to Yi et al. ("Yi") in view of U.S. Patent No. 5,604,357 to Hori ("Hori"). (Office Action at 2-3). However, Yi is commonly assigned to the assignee of the present application. Pursuant to 35 U.S.C. § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person . . ." Thus, as shown by the discussion below and the attached evidence, Yi cannot be used as prior art to support a rejection under 35 U.S.C. § 103 and, as such, all of the pending rejections should be withdrawn.

The present application claims priority from Korean Patent Application No. 2002-66086, which was filed on October 29, 2002. Pursuant to 37 CFR 1.55, a translation of Korean Application No. 2002-66086 is attached hereto along with a Statement of Accuracy of Translation, thereby perfecting Applicants' right to rely on the October 29, 2002 filing date of Korean priority Patent Application No. 2002-66086. Please note that Applicants' claim of priority has been perfected to advance prosecution of this application to allowance, and thus should not be construed as an admission with respect to any teachings of Yi or the cited secondary reference.

In re: Su-Jin Ahn et al.
Serial No.: 10/696,615
Filed: October 28, 2003
Page 3 of 4

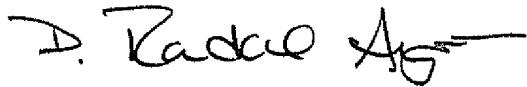
Yi is a U.S. Patent that was published on February 13, 2003 and which issued on October 21, 2003. Both of these dates are subsequent to the October 29, 2002 filing date of the Korean patent application to which the present application claims priority. As such, Yi is not prior art to the present application under either 35 U.S.C. § 102(a) or (b), and at most could potentially qualify as prior art under 35 U.S.C. § 102(e) based on Yi's May 17, 2002 filing date. However, as shown on the first page of Yi and as confirmed by a review of the assignment records, Yi is assigned to Samsung Electronics Co., Ltd., and was so assigned at the time the present invention was made. As shown by the Assignment attached at Ex. A to this Response, the present application is likewise assigned to Samsung Electronics Co., Ltd. Accordingly, based on this common assignment, Yi cannot properly be applied in any rejections under 35 U.S.C. § 103(a) as Yi at most constitutes Section 102(e) prior art, and commonly assigned section 102(e) prior art cannot properly be applied in a rejection under Section 103(a). As such, Applicants respectfully request withdrawal of the pending rejections, and the passing of the present application to issuance.

In re: Su-Jin Ahn et al.
Serial No.: 10/696,615
Filed: October 28, 2003
Page 4 of 4

II. Conclusion

Applicants again wish to thank the Examiner for the thorough examination of the application. Should the Examiner have any questions, please feel free to call Applicants' representative at (919) 854-1422.

Respectfully submitted,



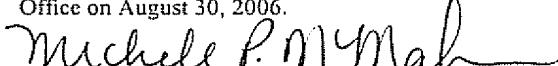
D. Randal Ayers
Registration No. 40,493
Attorney for Applicants

Customer Number 20792

Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATION OF ELECTRONIC TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on August 30, 2006.



Michele P. McMahan
Date of Signature: August 30, 2006